

March 15, 2010

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of the City of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; [brackets] indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 3 – Definitions; Terms of Measurement and Calculations, as follows:

25.03.02 – Words and Terms Defined

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Lot - A parcel or quantity of land. Lots include the following:

1. *Lot, Buildable* – Any record lot [meeting the minimum lot area and frontage requirements of the zone in which it is located] except for lots created prior to August 3, 1932 that contain less than 4,000 square feet in area or are less than 35 feet wide at the building line.

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Amend Article 9 - Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities, as follows:

25.09.05 – Setback Encroachments

The following setback encroachments apply within all zones, except as otherwise provided herein:

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2. *Fences*

- (a) *Fences – Residential Zones* – Fences are subject to the following limitations in residential zones:

- i. *Dangerous Fences Prohibited* - Fences on residential properties must comply with the provisions of Chapter 5, *Buildings and Building Regulations* of this Code regarding fences.
- ii. *Development Standards*
 - A. *Side and Rear Yards* – A fence not exceeding eight (8) feet in height is permitted in the side or rear yard of any lot.
 - B. *Front Yard* – A fence not exceeding four (4) feet in height is permitted in the front yard, except as provided below.
- iii. *Corner and Through Lots*
 - A. On a corner lot or through lot, the yards lying between the principal building and the streets are deemed front yards, and no fence exceeding four (4) feet in height can be erected in this area.
 - B. Notwithstanding Section 25.09.05.2.(a)(ii)B., above, where the street abutting is classified as an arterial highway or greater, a fence not exceeding six (6) feet in height is permitted in the front yard.
 - C. On a corner lot in a residential zone, a fence must not exceed four (4) feet above the curb level for a distance of 25 feet from the intersection of the street lines. Retaining walls made necessary by changes in street grade, width, or alignment are not subject to the limitations set forth in the preceding sentence.
- iv. *Fences Adjacent to Unimproved Right-of-Way* – Fences along an unimproved right-of-way must not exceed six (6) feet in height and must otherwise comply with the provisions for fences as set forth in Article 9. If the right-of-way is subsequently improved, any fence exceeding four (4) feet in height is deemed nonconforming and may be maintained and repaired. If replaced, the fence must comply with the provisions of this Section.
- v. *Fences in Planned Development Zones* – In a Planned Development Zone approved prior to January 1, 1975, fences up to six (6) feet tall may be approved to replace an existing fence or where the location of the fence is approved by the homeowner's association.

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Amend Article 10 – Single Dwelling Unit Residential Zones, as follows:

25.10.05 – Development Standards

a. Table of Development Standards

Zone	Minimum Lot Dimensions			Building Envelope Requirements						Lot Coverage		Additional Regulations
				Minimum Setbacks								
				Front			Side		Rear	Max. Height		
				Standard	Where established setback exceeds standard (See Sec. 25.10.05.e.2)	Where street abuts	Where land abuts					
R-400		Area	Width at Front Setback Line	Width at Front Lot Line	50'	Est. setback up to 100'	30'	20'	50'	15%	10%	See Sec. 25.10.09 for limitations on building height in R-60, R-75 & R-90 zones
R-200		20,000 sq ft.	100'	[N/A]25'	35'	Est. setback up to 100'	25'	13'	35'	25%	20%	
R-150		15,000 sq ft	90'	[N/A]25'	35'	Est. setback up to 60'	30'	13'	30'	25%	25%	
R-90		9,000 sq ft	80'	[N/A]25'	30'	Est. setback up to 60'	20'	11'	25'	25%	30%	
R-75		7,500 sq ft	70'	40'	25'	Est. setback up to 50'	20'	20'	20'	35%	35%	
R-60		6,000 sq ft	60'	35'	25'	Est. setback up to 50'	20'	20'	20'	35%	40%	
R-60 qualifying undersized lots		5,000 sq ft	50'	35'	25'	Est. setback up to 50'	20'	20'	20'	35%	40%	See Sec. 25.08.03
R-40		4,000 sq. ft.	40'	25'	25'	Est. setback up to 50'	25'	10'	20'	40%	45%	Single unit detached dwellings: R-60 standards in lieu of R-40 standards
Lincoln Park Conservation District		6,000 sq ft	60'	35'	25'	Est. setback up to 50'	20'	8'	20'	1,500 square feet	40%	See Sec. 25.14.03

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Amend Article 13 – Mixed-Use Zones, as follows:

25.13.05 –Development Standards

a. *Build-To Lines* – Where a build-to line established in the Plan is required, at least 70 percent of the length of the building wall facing that line must be set at the build-to line. Development must also comply with the building restriction line provisions set forth in Sec. 25.17.08

b. *Development Standards*

1. The following table sets forth the development standards for each of the Mixed-Use Zones:

Zone	Maximum Height (in feet) ²	<u>Minimum width at front lot line (in feet)</u>	Public Use Space (min. %)	Public Right-of- way Abutting	Setbacks				Special Regulations
					Side		Rear		
					Residential Land Abutting	Non- residential Land Abutting ¹	Residential Land Abutting	Non- residential Land Abutting	
MXTD	120	<u>10'</u>	20	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	None. 10' min. if provided	See Secs. 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXCD	75	<u>10'</u>	20	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Secs. 25.13.05.b.2(b) and 25.13.05.b.2(d)
MXE	120	<u>10'</u>	20	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXB	55	<u>10'</u>	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	
MXNC	45	<u>10'</u>	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXC	30	<u>10'</u>	20	10'	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
MXT	35	<u>10'</u>	20	10'	10'	None	20'	None required. 10' min. if provided	

¹*Nonresidential Land Abutting Side Setback* – This term also includes multi-unit residential uses with a height of 45 feet or greater.

² Height is subject to the provisions of Section 25.13.05.b.2, below.

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Amend Article 14 – Special Zones, as follows:

25.14.07 – Planned Development Zones

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d. *Development Standards*

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3. *Equivalent Zone Development Standards*

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(c) Street frontage - Record lots for each dwelling unit, if provided, must front on a public street, private street, or a common open space.

Amend Article 21 – Plats and Subdivision Regulations, as follows:

Sec. 25.21.03 – Recordation of an Existing Single Unit Detached Dwelling Residential

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b. *Required Criteria* – The Planning Commission must approve a plat, only when one or more of the following conditions are met and the plat has frontage as required in the zone or public access to a public street:

1. The property being platted is a deeded lot that has existed in the same configuration since at least October, 1957;
2. The property being platted is a multiple-lot property that required a minimum of two (2) lots for development at the time the substandard lots were created and the plat seeks to consolidate the lots into a single record lot; or
3. The property being platted is a multiple-lot property that contains an existing house that straddles the common lot line and the plat seeks to consolidate the property into a single record lot.

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25.21.07 – Waivers; Modifications

- a. *Application* - Where a subdivider desires a waiver from, or modification to, any provision of this [Article] Chapter, an application must be submitted to the Planning Commission with a statement of reasons for such request and such information as may reasonably be required by the Planning Commission.
- b. *Findings* – If the Planning Commission finds that undue hardship will result from strict compliance with any requirement of this [Article] Chapter, it may grant a waiver or modification from such requirement so that substantial justice may be done if the public health, safety, aesthetics, [morals,] or general welfare will not be impaired and the waiver will not be contrary to the intent and purpose of the Plan or this Chapter.